

FILED

MAR 29 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CORY BIRNBERG APC, doing business
as Birnberg & Associates,

Plaintiff - Appellee,

v.

ANA POZOS,

Defendant - Appellant.

No. 05-16195

D.C. No. CV-04-01608-MEJ

MEMORANDUM^{*}

Appeal from the United States District Court
for the Northern District of California
Maria-Elena James, Magistrate Judge^{**}, Presiding

Submitted 8 March, 2006^{***}

Before: CANBY, BEEZER, and KOZINSKI, Circuit Judges.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The parties consented in writing to proceed before a magistrate judge.

^{***} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Ana Pozos appeals pro se from the district court's summary judgment in favor of Cory Birnberg APC, in Birnberg's action to enforce an order awarding attorney fees pursuant to 33 U.S.C. § 928(c) in a Longshore and Harbor Workers Compensation case. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Feiler v. United States*, 62 F.3d 315, 316 (9th Cir. 1995), and we affirm.

The district court properly granted summary judgment because Birnberg's attorney fee order was enforceable and the district court lacked jurisdiction to entertain Pozos' challenges to the ALJ's underlying decision. *See Thompson v. Potashnick Constr. Co.*, 812 F.2d 574, 576 (9th Cir. 1987) (holding that a district court only has jurisdiction to order compliance with compensation orders entered by an Administrative Law Judge ("ALJ") and reviewed by the Benefits Review Board, and to screen for procedural defects, but may not otherwise affirm, modify, suspend, or set aside a compensation order based on the substantive merits of the ALJ's decision).

AFFIRMED.